

PRESS RELEASE

FOR IMMEDIATE RELEASE

CAS CHARTER CHALLENGE

There will be a Rally for Awareness of the CAS Charter Challenge on Oct 19, 2011 at Parliament Hill, Ottawa 12:00 pm – 2:00 pm.

A gathering of child protection activists and advocates from across the province will be in attendance to show the government that the child protection system in Ontario is badly broken and operates outside the provisions of the Charter of Rights and Freedoms.

Sophie Normand-Denis a 20-year-old Metis woman living in Ottawa had two of her children removed from hospital at birth. She received unfair treatment from the Children's Aid Society who took one child by force without a warrant and one by force with a warrant, both in hospital at birth.

Sophie has not hurt or neglected her children or any other child or failed to protect her or any other children in any way. The CAS had no reason to make an apprehension of her children.

The CAS and the courts treated Sophie very unfairly. Sophie's charter challenge is available for review including the main facts of the case at <http://www.archive.org/details/SophiesChallenge>.

Find attached herein page 7 of a flyer called "Child Protection and Family Law" which is funded by the Ontario Government and distributed by the Family Court Clinic at the courthouse in Ottawa. You will note in this flyer that it states: "The CAS can take your child at birth if there are significant concerns for your child's safety. For, example the CAS will likely be concerned for your child's safety if: "you are a teen mom, especially if you were ever in the care of the CAS."

Sophie is claiming that she had her section 11 (d), 7 and 15 Charter rights violated by the CAS and the courts. And that there is an inherent loss of Charter rights in this provincial legislation that gives a semi private agency (CAS) police power, prosecutor power and simultaneously allows the CAS to be plaintiff and beneficiary of the litigation against parent. All the policing power comes to them without guidelines such as the police have under the Criminal Code of Canada. All the CAS litigation goes down in civil courts where only the lowest level of proof is required to remove children from their parents and this is 'the balance of probabilities'. In other words they have probably hurt or neglected their children or the make the case for they probability will hurt or neglect their children. This prediction is based on the CAS risk assessment process, which uses their statistics on who they have apprehended children from then predict if you are in the category of persons you might hurt or neglect your child. Currently they claim you are at risk of hurting or neglecting your child if you are poor, depressed, if you yourself were in the CAS as a child, if you have been the victim of domestic violence etc. In other words CAS tends to take children from disadvantaged groups, which forms their stats. They discriminate against everyone in those groups and takes their children based on a prediction that the parent will probability hurt or neglect he child. This is blatant discrimination in its most insidious forms and it is clearly established in the system of so called child protection that we have developed in this province.

The charter challenge claims that the authority for child protection is with the Federal Government exclusively under the Constitution Act of Canada section 91 (27). The Criminal Code of Canada has extensive laws to protect the child from abuse and neglect; the litigation for prosecution under the Criminal Code of Canada requires the highest level of proof and that is beyond a reasonable doubt. Link here to a list of Child Protection Laws in the Criminal Code of Canada:

<http://www.archive.org/details/CriminalCodeLawsProtectingChildren&reCache=1>

The momentum of the movement that wants CAS reform has escalated 100 fold since the bill to bring Ombudsman oversight to CAS failed last year so it is no wonder they are looking for a charter remedy now that the Ontario Government has made it clear they will not control the CAS.

Sophie says, "while my new born infant daughter was in CAS care at the Children's Hospital of Eastern Ontario (CHEO) she almost died when she had no maternal contact for 2 days. CAS blocked me from contact with my daughter against a court order allowing me access to my baby girl when ever CHEO staff was present. CHEO refused me access because CAS instructed the hospital not to allow me contact. One weekend eight days after my daughters open heart surgery I was blocked from visiting her and no one else provided substitute maternal contact for two days. CHEO staff does not provide maternal contact only medical contact. They told me that CAS sometimes provides the contact so they would try to get them to do it for my daughter but this never happened. CAS would not even commit to 1.5 hours minimum maternal contact per day in hospital either by me or a substitute even after the weekend she almost died from low sodium levels and complications when no contact was provided for 2 days. The condition of low sodium level can be fatal and is brought on by emotional stress and maternal deprivation is well known to cause great emotional stress. My baby was already at risk of this condition because she was post op and because she was in hospital. At the very least this unnecessary lack of maternal contact created a much greater risk for her to have this condition.

My children were taken from me at birth for no reason as I have never hurt them or neglected them in any way nor any other child. The provincial government and the CAS have violated several of my rights and the rights of my children. I want the courts to stop this reign of CAS terror by deeming CAS power as unconstitutional. In my case the CAS acted as the police, prosecutor, plaintiff and beneficiary of the trial decision, which is now under appeal including a constitutional challenge. This CAS power is unnecessary because the government has all the laws and power necessary to protect children under the Criminal Code of Canada. And under this authority there are safeguards to protect the rights of the parents and children. I love my children with all my heart and I know God does not want me to give up on them. I am adamant that I do not want them to end up with all the neglect and abuse I experienced when I was a crown ward of the CAS.

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Contact Jane Scharf: media contact 613 884-9065
Contact Sophie: 613 859-6373

charges do not make the child protection case go away. If you have been charged with a crime you should get legal advice from a criminal lawyer right away.

Apprehension at birth

The CAS can take your child at birth if there are significant concerns for your child's safety. Just like at any other time, the CAS must have clear concerns to take this action. For example, the CAS will likely be concerned for your child's safety if:

- your previous children have been taken by the CAS;
- you have a serious drug and alcohol problem;
- you are homeless or living in an unsafe environment; or
- you are a teen mom, especially if you were ever in the care of the CAS.

Step 5: Child Protection Hearing

Child protection proceedings or hearings are complicated. They move quickly. If your child is removed, the CAS must bring the case before a judge within five days. The judge will make a decision on care for your child. If your child is removed by CAS, get legal advice right away.

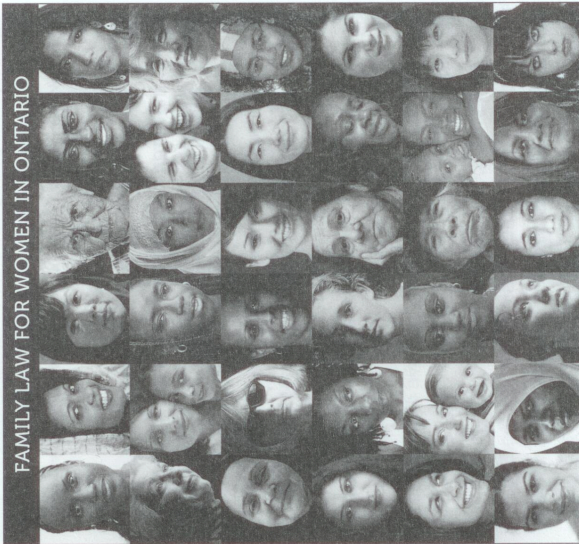
If you are a francophone woman living in Ontario, you have the right to access French language services in family law court proceedings. For more information regarding your rights, contact a lawyer, a community legal clinic, or the support line Females at 1-877-336-2433, TTY 1-866-860-7082.

You can find more information on how to access services in French on our website at www.onefamilylaw.ca or www.undroitdefamille.ca.

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Child Protection and Family Law

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